

**Commonwealth of Massachusetts  
NORFOLK SUPERIOR COURT  
Case Summary  
Criminal Docket**

**Commonwealth v [REDACTED]**

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Details for Docket: [REDACTED]

**Case  
Information**

<b>Docket Number:</b>	[REDACTED]	<b>Caption:</b>	Commonwealth v [REDACTED]
<b>Entry Date:</b>	11/20/2009	<b>Case Status:</b>	1 - Criminal 1
<b>Status Date:</b>	12/18/2009	<b>Session:</b>	Active
<b>Lead Case:</b>	NA	<b>Deadline Status:</b>	Active since
<b>Trial Deadline:</b>	12/28/2009	<b>Jury Trial:</b>	NO

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**Parties Involved**

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2 Parties Involved in Docket: [REDACTED]

**Party  
Involved:**

**Last  
Name:**  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Role:** Defendant

**First  
Name:**  
**Address:**  
**State:**  
**Zip Ext:**

**Party  
Involved:**

**Last** Commonwealth

**Role:** Plaintiff

**First**

**Name:**  
**Address:**  
**City:**  
**Zip Code:**  
**Telephone:**

**Name:**  
**Address:**  
**State:**  
**Zip Ext:**

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## Attorneys Involved

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4 Attorneys Involved for Docket: [REDACTED]

**Attorney  
Involved:**

**Last  
Name:** Payton  
**Address:** 45 Shawmut Road  
**City:** Canton  
**Zip Code:** 02021  
**Telephone:** 781-830-4800  
**Fascimile:** 781-830-4801

**Firm  
Name:** NORF01  
**First  
Name:** Debi  
**Address:** PO Box 380  
**State:** MA  
**Zip Ext:**  
**Tel Ext:** 385  
**Representing:** Commonwealth,  
(Plaintiff)

**Attorney  
Involved:**

**Last  
Name:** Badway  
**Address:** 1 Ashburton Place  
**City:** Boston  
**Zip Code:** 02108  
**Telephone:** 617-727-2200  
**Fascimile:** 617-727-5755

**Firm  
Name:** MA02  
**First  
Name:** Eva M  
**Address:** Appellate Criminal  
Division  
**State:** MA  
**Zip Ext:**  
**Tel Ext:** 2824  
**Representing:** Commonwealth,  
(Plaintiff)

<b>Attorney Involved:</b>		<b>Firm Name:</b>	
<b>Last Name:</b>	Manieri	<b>First Name:</b>	Anthony J
<b>Address:</b>	71 Lauriston Street	<b>Address:</b>	
<b>City:</b>	Providence, R.I.	<b>State:</b>	RI
<b>Zip Code:</b>	02906	<b>Zip Ext:</b>	
<b>Telephone:</b>	401-270-9665	<b>Tel Ext:</b>	
<b>Fascimile:</b>	401-521-7160	<b>Representing:</b>	[REDACTED] (Defendant)

<b>Attorney Involved:</b>		<b>Firm Name:</b>	
<b>Last Name:</b>	Santana	<b>First Name:</b>	Oriosto M
<b>Address:</b>	550 Cochituate Road	<b>Address:</b>	East Wing Suite 425
<b>City:</b>	Framingham	<b>State:</b>	MA
<b>Zip Code:</b>	01701	<b>Zip Ext:</b>	
<b>Telephone:</b>	617-519-0604	<b>Tel Ext:</b>	
<b>Fascimile:</b>	508-655-9301	<b>Representing:</b>	[REDACTED] (Defendant)

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## Calendar Events

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25 Calendar Events for Docket: [REDACTED]

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	12/18/2009	09:00	Arraignment	1	Event held as scheduled
2	01/25/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	02/10/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request

4	03/09/2010	09:00	Hearing: Pre-Trial	1	Event not held--joint request
5	04/20/2010	14:00	Hearing: Motion	1	Event held as scheduled
6	06/16/2010	09:00	Hearing: Motion	1	Event not held--req of Defendant
7	07/30/2010	09:00	Hearing: Evidentiary-suppression	1	Event not reached by Court
8	09/28/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event not reached by Court
9	10/22/2010	09:00	Hearing: Motion to Suppress Evidence	1	Event rescheduled by court prior to date
10	12/17/2010	09:00	Hearing: Evidentiary-suppression	1	Event held--(ACTIVE) under advisement
11	01/25/2011	09:00	Status: Review by Clerk	1	Event held as scheduled
12	03/21/2011	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
13	03/29/2011	14:00	Hearing: Motion	1	Event held as scheduled
14	04/11/2011	09:00	TRIAL: by jury	1	Event not held--req of Commonwealth
15	04/12/2011	09:00	TRIAL: by jury	1	Event not held--req of Defendant
16	10/17/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
17	11/29/2011	14:00	Conference: Trial Assignment	1	Event held as scheduled
18	02/27/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
19	03/07/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
20	05/02/2012	14:00	Conference: Final Pre-Trial	1	Event held as scheduled
					Event rescheduled by

21	05/09/2012	14:00	Hearing: Motion	1	court prior to date
22	05/11/2012	09:00	Hearing: Motion	1	Event held as scheduled
23	05/15/2012	09:00	TRIAL: by jury	1	Event rescheduled by court prior to date
24	06/22/2012	14:00	Status: Review by Session	1	
25	07/09/2012	09:00	TRIAL: by jury	1	

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## Full Docket Entries

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168 Docket Entries for Docket: [REDACTED]

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<b>Entry Date:</b>	<b>Paper No:</b>	<b>Docket Entry:</b>
11/20/2009	1	Indictment returned
12/18/2009		Deft arraigned before Court - Track A - Plea Not Guilty - Bail:
12/18/2009		\$2,500.00 cash (same as D.C.) Atty. Fee Private Anthony Manieri -
12/18/2009		Continued to 1/25/10 for PTC - Spanish Interpreter - PTH 2/10/10 -
12/18/2009		Spanish Interpreter - (Sanders, J) B Roche a.c., D Chapin ct. rpt.
12/18/2009		Assigned to Track "A", see scheduling order
12/18/2009	2	12/18/09: Appearance of Deft's Atty: Anthony J Manieri
12/18/2009		RE Offense 1:Plea of not guilty
12/18/2009		RE Offense 2:Plea of not guilty
12/18/2009		RE Offense 3:Plea of not guilty
12/18/2009		RE Offense 4:Plea of not guilty
12/28/2009		Tracking deadlines Active since return date
12/28/2009	3	12/18/09: Commonwealth files Statement Of The Case
12/28/2009	4	12/18/09: Commonwealth files Notice Of Discovery I
12/28/2009	5	12/18/09: Commonwealth files Request For Discovery

12/28/2009 6 12/18/09: Commonwealth files Notice Of Discovery II  
12/28/2009 7 Request for Interpreter by [REDACTED] on 01/25/10  
12/28/2009 8 Request for Spanish Interpreter by [REDACTED] on 02/10/10  
01/21/2010 9 \$2,500.00 Cash Bail Received - From [REDACTED]  
[REDACTED] - Surety  
01/25/2010 10 Interpreter present: Merce Lopez on 1/25/2010 Spanish  
01/29/2010 11 1/25/10: Pre-trial conference report filed  
01/29/2010 12 1/25/10: Continued 3/9/10 PTH agreed. Spanish  
Interpreter. (Fishman,  
01/29/2010 J) J Uggioni a.c., D Keefer ct. rpt.  
01/29/2010 12 Request for Spanish Interpreter by [REDACTED] on  
03/09/10.  
03/12/2010 3/9/10 - Continued to 4/20/10 - Mc Carthy - Dell  
Motions to Dismiss  
03/12/2010 agreed @ 2PM - Spanish Interpreter Moitons filed by  
4/2/10 (Fishman.  
03/12/2010 J ) J. Uggioni a.c D.Chapin ct rpt  
03/12/2010 13 Request for Spanish Interpreter by [REDACTED] for  
4/20/10  
03/12/2010 14 Deft files Motion for the Production of Exculpatory  
Evidence and  
03/12/2010 14 Certificate of Service.  
03/12/2010 15 MOTION by Deft: to Discover Surveillance Information  
and Certificate  
03/12/2010 15 of Service.  
03/12/2010 16 Commonwealth files Prospective Witness List.  
03/12/2010 17 Commonwealth files Notice of Discovery III.  
03/12/2010 18 Commonwealth files Notice of Discovery IV.  
03/12/2010 19 Commonwealth files Notice of Discovery V.  
04/06/2010 20 4/4/10: MOTION by Deft: To Dismiss with certificate of  
service and  
04/06/2010 20 memorandum of law  
04/06/2010 21 4/4/10: MOTION by Deft: To Dismiss G.L. c. 94C s 32J  
Count Of

04/06/2010 21 Indictment with certificate of service.

04/06/2010 22 4/4/10: MOTION by Deft: To Dismiss with certificate of service

04/22/2010 23 Commonwealth files Memorandum in Opposition to the Defendant's Motion

04/22/2010 23 to Dismiss (McCarthy) I

04/22/2010 24 Commonwealth files Memorandum in Opposition to the Defendant's Motion

04/22/2010 24 to Dismiss (McCarthy) 94C s32J

04/22/2010 25 ORDERED: Memorandum Of Decision And Order On The Defendants' Motions

04/22/2010 25 To Dismiss (Paul A. Chernoff, Associate Justice) c/s to ADA & Atty.

06/08/2010 26 MOTION by Deft: to Suppress, Certificate of Service and Affidavit of [REDACTED]

06/08/2010 26 [REDACTED]

06/17/2010 6/15/10 - Case advanced; continued to 7/30/10 - 9AM - M/S - Spanish

06/17/2010 Interpreter. (Chernoff,J.) B G Roche a.c G Grayson ct rpt

06/17/2010 27 Request for Spanish Interpreter by [REDACTED] for 7/30/10

08/11/2010 8/11/10: Continued 9/28/10 M/S 9 AM Spanish Intrepreter. (Sanders, J)

08/11/2010 B Roche a.c., D Chapin ct. rpt.

08/11/2010 28 Request for Spanish Interpreter by [REDACTED] on 9/28/10.

08/27/2010 Re: Motion #41.0: Commonwealth to respond within 30 days

08/27/2010 (Gershengorn, J)

09/28/2010 Continued 10/22/10 9AM M/S (2 hours) Spanish Interpreter (Sanders, J)

09/28/2010 B Roche a.c., D Chapin ct. rpt.

10/01/2010 29 Request for Spanish Interpreter by [REDACTED] on 10/22/10

Commonwealth files opposition to defendants' motion

12/17/2010 to suppress  
12/22/2010 12/17/10 - M/S heard, taken U/A. Defts memo filed by 1/14/11, Xomm.  
12/22/2010 response by 1/21/11. - Continued to 3/21/11 9AM agreed.  
12/22/2010 (Gershengorn,J.) J P Hurley III a.c C. Johnson ct rpt - Spanish  
12/22/2010 Interpreter for 3/21/11 and 4/11/11  
12/22/2010 30 Request for Interpreter by [REDACTED] for 3/21/11  
12/22/2010 31 Request for Spanish Interpreter by [REDACTED] for 4/11/11  
01/18/2011 32 MOTION by Deft: [REDACTED] Memorandum of Law in Support of  
01/18/2011 32 Motion to Suppress Evidence Seized from his person at time of Arrest,  
01/18/2011 32 Certificate of Service w/attachments  
01/25/2011 33 12/17/10: Commonwealth files Opposition To Defendants' Motion To  
01/25/2011 33 Suppress  
01/25/2011 12/20/11: Brought forward - Trial continued from 4/11/11 to 4/12/11  
01/25/2011 req. Comm. by agreement. Change Spanish Interpreter from 4/11 to  
01/25/2011 4/12/11 9AM. (Fishman, J) JP Hurley III a.c.  
01/25/2011 34 Request for Spanish Interpreter by [REDACTED] on 4/11/11 CANCELLED  
01/25/2011 35 Request for Spanish Interpreter by [REDACTED] on 4/12/11  
03/02/2011 MOTION (P#26) Denied - See opinion on co-defendant [REDACTED] (W.  
03/02/2011 Gershengorn, Associate Justice). Copies mailed ADA & Atty.  
03/04/2011 36 3/2/11 - FINDINGS of FACT RULINGS of LAW, AND ORDER ON DEFENDANT'S  
03/04/2011 36 MOTION TO SUPPRESS - ORDER - For the above-mentioned reasons, [REDACTED]

03/04/2011 36 [REDACTED] Motion to Suppress is DENIED (Wendie I. Gershengorn,  
Associate Justice) c/s ADA & Atty.

03/22/2011 37 3/21/11 - Deft files Pretrial Memorandum and Certificate of Service.

03/22/2011 38 3/21/11 - MOTION by Deft: For relief From Prejudicial Joiner,

03/22/2011 38 Certificate of Service and Affidavit.

03/22/2011 38 3/21/11 - Continued to 3/29/11 - 2PM hearing, Deft's Motion to Sever.

03/22/2011 -- Any further filings by 3/25/11 - Spanish Interpreter needed.

03/22/2011 (Fishman,J) J P Hurley III a.c D. Chapin ct rpt

03/22/2011 39 Request for SPANISH Interpreter by [REDACTED] FOR 3/29/11.

03/25/2011 40 MOTION by Deft: in Limine to Admit Extra-Judicial Statements,

03/25/2011 40 Certificate of Service, Memorandum of Law & Certificate of Service

03/25/2011 40 c/s Judge Gershengorn

03/25/2011 41 MOTION by Deft: for Reconsideration and Incorporated Memorandum of

03/25/2011 41 Law, Certificate of Service w/exhibits attached c/s Judge Gershengorn

03/29/2011 Summons issued to Cherie A. Kelley

03/30/2011 3/21/11 - Re: paper #38 - 3/29/11 - Withdrawn (Fishman, J) J.

03/30/2011 Uguccioni, a.c.

04/07/2011 42 Request for Spanish Interpreter by [REDACTED] on 4/12/11

04/07/2011 42 CANCELLED\*

04/08/2011 43 3/28/11: To Join In Co-Defendant [REDACTED] Motion To Sever

04/08/2011 3/31/11: MOTION (P#43.0) Allowed after hearing. Motion to sever also allowed. See Memorandum and Order of this date.

04/08/2011 (Kenneth J. Fishman,  
04/08/2011 Associate Justice). Copies mailed 4/8/2011  
04/08/2011 44 3/31/11: MEMORANDUM & ORDER: On Defendants'  
Motion To Sever (Kenneth  
04/08/2011 44 J. Fishman, Associate Justice) c/s 4/8/11  
04/08/2011 3/31/11: MOTION (P#40.0) After hearing, Allowed  
under Mass. G Evid.  
04/08/2011 s804(6)(b) (Kenneth J. Fishman, Regional  
Administrative Justice).  
04/08/2011 Copies mailed 4/8/2011  
05/04/2011 4/27/11 - re: paper #41 - Commonwealth to respond  
within 30 days  
05/04/2011 (Gershengorn, J c/s ADA & Atty.  
07/20/2011 45 Appearance of Deft's Atty: Oriosto M Santana  
07/26/2011 46 Motion to Withdraw  
09/21/2011 47 Commonwealth files Opposition To Defendant's Motion  
For  
09/21/2011 47 Reconsideration  
09/21/2011 9/20/11: Case scheduled for Status and TA 10/17/11  
2PM. Spanish  
09/21/2011 Interpreter needed. (McGuire, J) JP Hurley III a.c.  
09/21/2011 48 Request for Spanish Interpreter by [REDACTED] on  
10/17/11  
09/24/2011 49 MEMORANDUM Of Decision And ORDER: On  
Defendant's Motion For  
09/24/2011 49 Reconsideration Of Ruling On Motion To Suppress  
(Thomas F. McGuire,  
09/24/2011 49 Associate Justice) copies mailed to ADA & Atty.  
10/14/2011  
10/18/2011 Continued 11/29/11 trial assignment. Spanish  
interpreter to be  
ordered (Fishman, J) J. McDermott, a.c, D. Chapin, ct.  
rpt.  
10/18/2011 50 Request for Interpreter by [REDACTED] for 11/29/11  
11/29/2011 Continued 2/27/12 FPTC; 3/7/12 Trial - Spanish

interpreter to be  
ordered for both dates (Fishman, J) J. McDermott, a.c.,  
D. Chapin,  
ct. rpt.

11/29/2011 51 Request for Interpreter by [REDACTED] for 2/27/12

11/29/2011 52 Request for Interpreter by [REDACTED] for 3/7/12

02/27/2012 53 Commonwealth files Notice of Discovery VI  
Continued 5/2/12 FPTC; 5 15/12 trial agreed. Spanish  
Interpreter to  
be ordered for both dates. Out of court compliance  
3/16/12 (Fishman,  
J) J. McDermott, a.c., D. Keefer, ct. rpt.

02/27/2012 54 MOTION by Commonwealth: for Reconsideration of  
Order for Commonwealth  
to Produce Department of Public Health Reports &  
Certificate of  
Service

03/12/2012 54 Commonwealth files Notice of Discovery VII  
2/27/12 - Spanish Interpreter present: Rosen, Norma  
ORDER (Kenneth J. Fishman, Regional Administrative  
Justice) c/s

05/02/2012 56 Executive Office of Health and Human Services (Dept.  
of Public Health)  
Continued 5/9/12 Motion Spanish Interpreter to be  
ordered. (Fishman,  
J) J McDermott a.c., D Chapin ct. rpt.

05/02/2012 57 Commonwealth files Updated Potential Witness List &  
Notice Of Intent  
To Call Certain Witnesses As Experts Witnesses

05/03/2012 58 Request for Spanish Interpreter by [REDACTED] on  
5/9/12  
At request of Defendant, Continued 6/22/12 Status;  
7/9/12 Trial.  
Spanish Interpreter to be ordered for both dates.  
(Fishman, J) J

05/09/2012 McDermott a.c., D Chapin ct. rpt.

05/11/2012 Interpreter present: Ames, Mariella on 5/11/2012

05/11/2012 Appearance of Commonwealth's Atty: Eva M Badway & Certificate of

05/11/2012 Service

05/11/2012 59 Commonwealth files The Department of Public Health's Response to this

05/11/2012 59 Court's Order Dated May 2, 2012 and Opposition to the Defendant's

05/11/2012 59 Motion for Rule 17 Discovery w/attachments

05/11/2012 59 Commonwealth files - Department of Public Health's Moton for court

05/11/2012 59 Order to Restrict Discovery of Investigative Report Related to A.D.

05/14/2012 60 Request for Spanish Interpreter by [REDACTED] on 6/22/12

05/14/2012 61 Request for Spanish Interpreter by [REDACTED] on 7/9/12.

05/24/2012 After hearing, and upon review, including an incamera review of a

05/24/2012 single document responsive to this court's order of 5/2/12, it is

05/24/2012 hereby ORDERED that the 5/2/12 is withdrawn. The defendant has not

05/24/2012 made an adequate showing for the production of the 2/29/12

05/24/2012 investigation report of the DPH, which report (and a redacted version

05/24/2012 thereof) is hereby IMPOUNDED by this Court. The report is neither

05/24/2012 relevant or evidentiary to this case given that it refers to conduct

05/24/2012 covering 18 months after the testing in this case by a chemist who

05/24/2012 will not be called to testify by the Commonwealth. (Kenneth J.)

05/24/2012

Fishman, Regional Associate Justice c/s ADA & Atty.  
(IMPOUNDED)

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## Charges

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4 Charges for Docket: [REDACTED]

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Plea of not guilty
2	DRUG VIOLATION NEAR SCHOOL/PARK c94C s32J		Plea of not guilty
3	COCAINE, POSSESS TO DISTRIBUTE c94C s32A(c)		Plea of not guilty
4	CONSPIRACY TO VIOLATE DRUG LAW c94C s40		Plea of not guilty

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